

REMARKS

Claims 1 - 20 are pending in the present application. Claims 1, 3, 5 - 7, 9 - 10, 12 - 13, 17 and 20 have been amended. Claims 2, 4, 11, 14, 16 and 19 have been cancelled without prejudice and new claims 21 - 24 have been added.

The Specification was objected to as containing informalities. Applicant has reviewed the Specification and has corrected reference number "4" for adhesive on Page 5, line 16 to read "14". Applicant also corrected five typographical errors. No new matter has been added.

Claims 10, 13 and 17 - 19 are Definite

Claims 10, 13 and 17 - 19 were rejected under 35 USC §112, second paragraph as being indefinite. Claim 10 was amended to address the Examiner's concerns. Claims 13 and 17 have been amended into Markush language. Claim 19 has been cancelled and thus claims 18 and 19 are no longer duplicates.

Claim 1 is Patentable Over *Schneberger* and *Harder*

Claim 1 was rejected under 35 USC §102(b) as being anticipated by US Patent Number 5,736,470 (*Schneberger*) or US Patent Number 6,432,529 (*Harder*). Neither *Schneberger* nor *Harder* teach or suggest a tire label with all the limitations of claim 1. Independent claim 1 is a tire label with limitations including:

- a woven polyester mesh label stock coated on one side with an adhesive layer,
- a primer layer between the adhesive layer and the label stock,
- an RFID insert wherein the adhesive layer is between the label stock and the RFID insert, and
- a release liner,

wherein the label has a pull tab and the label stock is free of adhesive in the area of the pull-tab.

Schneberger discloses a pressure sensitive article including self-adhesive label including a porous layer and an adhesive layer. In *Schneberger*, the article is non-adhesive in its inactive state. The adhesive is not exposed until the user applies pressure to the article forcing the adhesive through the pores. Thus, *Schneberger* does not teach or suggest a tire label with all the limitations of claim 1 including for example an RFID insert, a pull tag free of adhesive and a primer layer.

Harder discloses a self adhesive tape that can be used as a label comprising a non-fogging backing and a non-fogging adhesive layer. *Harder* does not teach or suggest a tire label with all the limitations of claim 1 including for example a pull-tag free of adhesive.

The Examiner asserts that the "secondary references clearly disclose articles such as labels which can comprise a woven backing coated with a suitable adhesive."

Applicant assumes that the secondary references to which the Examiner refers are the prior art made of record and not relied upon set forth in paragraph 7 of the Official Action. However, Applicant respectfully asserts that these references are not all prior art. For example, US 2005/0221704 is the publication if this application and is not prior art.

For the reasons discussed above neither *Schneberger* nor *Harder* teach or suggest a tire label with all the limitation of claim 1 and claim 1 is patentable over *Schneberger* and *Harder*.

**Claims 3, 5 – 10, 12 – 13, 15, 17 – 18 and 20 are Patentable
Over *Schneberger* and *Harder* in view of the Admitted Prior Art**

Claims 2 - 20 were rejected under 35 USC §103(a) as being unpatentable over the admitted prior art in view of either *Schneberger* or *Harder*. The admitted prior art relied upon by the Examiner is the existence of RFID labels. Claims 3, 5 – 10, 12 – 13, 15, 17 – 18 and 20 depend directly or indirectly from independent claim 1. Accordingly, these claims all contain the limitations of claim 1. As discussed above, neither *Schneberger* nor *Harder* teach or suggest a tire label with all the limitations of claim 1. The existence of RFID labels does not make up the deficiencies in *Schneberger* and/or *Harder*. Accordingly, claims 2, 5 – 10, 12 – 13, 15, 17 – 18 and 20 are patentable over *Schneberger* and *Harder*.

CONCLUSION

Applicant asserts that all of the objections have been overcome, and now requests further consideration on the merits.

Respectfully submitted,



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